United Nations S/AC.37/2002/9

Security Council

Distr.: General
16 April 2002

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Letter dated 16 April 2002 from the Permanent Representative of New Zealand to the United Nations addressed to the Secretariat

Please find attached a report from the Government of New Zealand advising of the steps taken to implement the measures contained in Security Council resolution 1390 (2002) (see annex).

02-34195 (E) 220402

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Annex to the letter dated 16 April 2002 from the Permanent Representative of New Zealand to the United Nations addressed to the Secretariat

Report to the Security Council Committee established pursuant to resolution 1267 (1999) on the implementation of paragraph 6 of Security Council resolution 1390 (2002) of 16 January 2002

New Zealand

Introduction

United Nations Security Council resolution 1390 (2002) provides an important additional framework for contributing to the international response to terrorism which constitutes a threat to international peace and security. New Zealand is contributing to international efforts across the full range of diplomatic, legal, financial, humanitarian, intelligence and military activities. New Zealand is fully committed to cooperating with the United Nations, its Member States and particularly with the 1267 Sanctions Committee, as well as the Counter-Terrorism Committee established by the Security Council pursuant to Resolution 1373 to combat international terrorism.

The report provided by New Zealand to the Counter-Terrorism Committee established by the Security Council pursuant to Resolution 1373 ("the 1373 report") sets out in detail the measures taken to implement that resolution.

Existing legislation

There are two regimes in place that implement resolution 1390. One is the United Nations Sanctions (Afghanistan) Regulations series, which have implemented successive Security Council resolutions on the Taliban and Taliban-controlled areas of Afghanistan, and the other regime is that contained in the United Nations Sanctions (Terrorism Suppression and Afghanistan Measures) Regulations, to be followed by the Terrorism Suppression Act when passed, the primary objective of which was to implement resolution 1373.

New Zealand implemented previous Security Council resolution 1267 (1999) applying also to Usama bin Laden, the Taliban and Al-Qaeda, by promulgating the United Nations Sanctions (Afghanistan) Regulations 1999, under the United Nations Act 1946. These were subsequently revoked and replaced with the United Nations Sanctions (Afghanistan) Regulations 2001, to give effect to both Security Council resolutions 1267 (1999) and 1333 (2000).

The United Nations Sanctions (Afghanistan) Amendment Regulations 2002, made under the United Nations Act 1946, have been promulgated in order to amend the United Nations Sanctions (Afghanistan) Regulations 2001 to give effect to resolution 1390. These come into effect on 16 April 2002. These regulations remove all prohibitions from Taliban-

controlled areas, effectively removing under New Zealand law the sanctions from the territory of Afghanistan, but continue to apply them to the "specified entities" as designated on the lists created by the Sanctions Committee pursuant to resolutions 1267, 1333 and now 1390.

As is clear from New Zealand's 1373 report to the Counter-Terrorism Committee, further measures to implement the freezing of funds and other financial assets or economic resources of persons or entities believed to have knowingly carried out or participated in the carrying out of terrorist acts have been implemented in the United Nations Sanctions (Terrorism Suppression and Afghanistan Measures) Regulations 2001. These regulations list as designated entities whose assets are thereby subject to its freezing mechanism those persons or entities specified in lists issued by the 1267 Sanctions Committee. These regulations are an interim measure until the Terrorism Suppression Bill, as described in the 1373 report, is enacted. The Bill, which will implement the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism as well as key financing-related and some other provisions of Resolution 1373, has now completed its consideration by the Foreign Affairs, Defence and Trade Select Committee which has reported it back to Parliament and recommended its enactment subject to various suggested amendments. It is expected that the Bill will be debated in the House in May with a view to its enactment before the end of June.

Implementation of Security Council resolution 1390 (2002)

Paragraph 2(a)

New Zealand will achieve full legislative compliance with the financing-related elements of resolution 1390 once the Terrorism Suppression Bill is passed into law. As noted above, in the interim, New Zealand has implemented its obligations under resolution 1373 by passing regulations under the United Nations Act. These regulations also give effect to the measures required by paragraph 2(a) of resolution 1390. The United Nations Sanctions (Terrorism Suppression and Afghanistan Measures) Regulations 2001 ("Terrorism Regulations") entered into force on 1 December 2001, and will expire on 30 June 2002, by which time it is expected that the Terrorism Suppression Bill will have been enacted.

The Reserve Bank of New Zealand has written to financial institutions in New Zealand reminding them of their obligations under United Nations Act Regulations. Letters have also been sent to those institutions bringing to their attention Executive Orders issued by the United States. Copies of all the letters and notices can be found on the Bank's internet site: http://www.rbnz.govt.nz/fxcontrols/unsanctions/index.html.

To date no suspicious transactions or assets belonging to groups or individuals designated by the Security Council have been detected in New Zealand.

Paragraph 2(b)

The prohibition on entry into or transit through the territories of Member States is given effect to by the United Nations Sanctions (Afghanistan) Amendment Regulations 2002.

Regulation 12A of those regulations prohibits the entry of certain persons as designated by the 1267 Sanctions Committee into New Zealand, or the transit of those persons through New Zealand, if the entry or transit would be contrary to a determination of the Security Council made under Article 41 of the United Nations. This provision operates in addition to the requirements of the Immigration Act, and any measures that may be taken under that Act, as discussed in the 1373 report.

The New Zealand Government is putting in place practical procedures to implement these provisions.

Paragraph 2(c)

The United Nations Sanctions (Afghanistan) Amendment Regulations 2002 continue to prohibit the direct or indirect export of arms from New Zealand to a "specified entity". This provision operates in addition to the procedure under the Customs Export Prohibition Order, as identified in the 1373 report.

Paragraph 8

Other relevant legislative and administrative measures are detailed in the report on the implementation of resolution 1373.